IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No. 1609 of 2007.

Laxman Dagu Phad ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr R. D. Surywanshi, Advocate i/b Advocate
S. M. Sabrad, for the applicant.

Mr S. S. Pednekar, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 8TH AUGUST 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused the application and material available on record.

3. The applicant is seeking bail in C.R. No.82/2006 registered with Niphad Police Station, District Nasik for the offence punishable under Sections 302, 498-A, 304-A read with Section 34 of the I.P.C.

4. The F.I.R., registered on the basis of a complaint lodged by one Valmik Laxman Sanap, uncle of deceased Manisha, in which it was alleged that the husband and in-laws of the deceased were harassing and illtreating her.

Almost, about 12 persons were made accused. Except the present applicant-accused, some of the accused are released on bail granted by the Sessions Court and some of them are granted bail by this Court.

5. The learned single Judge of this Court, while granting bail vide order dated 17.10.2006 passed in Criminal Application No. 3607 of 2006, has specifically described the role of the husband and the in-laws which is almost similar and identical. When the in-laws who were parties to the alleged illtreatment alongwith the husband could be enlarged on bail, for the same reason of parity, the husband is also entitled for bail; especially, when no other overt-act is attributed against him.

6. In the above view of the matter, I am of the considered view that on the same terms and conditions the applicant be released on bail:-

a] The applicant arrested in connection with C.R.No. 82 of 2006 registered with Niphad Police Station shall be enlarged on bail subject to furnishing a personal bond of Rs. 5,000/- with one local surety in the like amount.

b] The applicant shall report to Niphad Police Station once in a fortnight till the conclusion of the trial.

c] The order of bail will be given effect only after the applicant furnish to the Investigating Officer the details about his place of residence and address where he propose to stay after he is enlarged onbail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating Officer.

d] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

e] The applicant shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

f] Any observation made in this order

shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

7. Application is disposed of in above terms.

(V.C. DAGA,J.)